

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WILLIAM BOYD,

Plaintiff,

v.

Civil Action No. 07-376-JJF

WILMINGTON TRUST COMPANY

Defendant.

**ANSWER**

Defendant, by and through the undersigned counsel, hereby answers Plaintiff's Complaint as follows:

1. This paragraph states a legal conclusion as to which no response is required. By way of further answer, Defendant denies that Plaintiff's claims have legal or factual merit and that this Court has jurisdiction over the Complaint.

2. Defendant is without sufficient information to admit or deny the allegations of this paragraph.

3. Admitted that Defendant's offices are located at 1100 North Market Street, Wilmington, Delaware. The remaining allegations of this are illegible and are therefore denied.

4. Denied.

5. Denied.

6. Denied.

7. Denied.

8. Defendant is without sufficient information to admit or deny the allegations of this paragraph.

9. Denied.

10. Denied.

11. Denied.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Plaintiff's claims fail to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred in whole or in part by his failure to exhaust administrative remedies and/or other applicable federal or state statutes of limitation, jurisdictional and/or administrative requirements.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiff's claims fail, in whole or in part, because at all times Defendant made a good faith effort to comply with applicable law.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, by his failure to mitigate damages.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, by the doctrines of waiver and/or estoppel.

**SIXTH AFFIRMATIVE DEFENSE**

This Court lacks subject matter jurisdiction over Plaintiff's Complaint.

**SEVENTH AFFIRMATIVE DEFENSE**

The Complaint should be dismissed for failure to join indispensable party.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiff's Complaint may be denied in whole or in part with the doctrine of after-acquired evidence.

WHEREFORE, Defendant respectfully requests that this action be dismissed with prejudice, with costs and attorneys' fees assessed against Plaintiff.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

*/s/ Barry M. Willoughby*

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Attorneys for Defendant, Wilmington Trust Company

Dated: November 7, 2007

CERTIFICATE OF SERVICE

I hereby certify that on this 7<sup>th</sup> day of September, 2007, a copy of the foregoing Answer was served by United States First Class Mail and Certified Mail, Return Receipt Requested, postage prepaid, on Plaintiff *pro se*:

William Boyd  
602 Tamara Circle  
Newark, DE 19711

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Barry M. Willoughby

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Attorneys for Defendant, Wilmington Trust Company

Dated: November 7, 2007